

Message

From: Bahrman, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1D493CF492ED4FC0BE275A699826A64C-BAHRMAN, SARAH]
Sent: 2/2/2018 4:07:02 PM
To: Minter, Douglas [Minter.Douglas@epa.gov]; Cheung, Wendy [Cheung.Wendy@epa.gov]; Boomgaard, Craig [Boomgaard.Craig@epa.gov]; Shea, Valois [Shea.Valois@epa.gov]
CC: Lucero, Adele [Lucero.Adele@epa.gov]
Subject: RE: Wyoming Mining Association Meeting Invitation - EPA Regional Administrator, Doug Benevento

I haven't seen a format. I suggest a background section and proposed talking points for each topic. Bullets are fine, and this can be brief (I'm thinking ~2 pages total, unless you all feel you need more). I do think it would be helpful to include comments from the industry on Dewey for Doug's awareness.

This is due to Darcy by noon Wed, so can you get a draft to Douglas and I by Tues COB or Wed morning? I have a meeting at 11 that day, so would need by about 10am.

Thanks!

Sarah E. Bahrman | Director, Safe Drinking Water Program | U.S. Environmental Protection Agency - Region 8
(p) 303.312.6243 | (c) 303.903.8515 | (f) 877.876.9101

From: Minter, Douglas
Sent: Thursday, February 1, 2018 4:33 PM
To: Cheung, Wendy <Cheung.Wendy@epa.gov>; Boomgaard, Craig <Boomgaard.Craig@epa.gov>; Shea, Valois <Shea.Valois@epa.gov>; Bahrman, Sarah <Bahrman.Sarah@epa.gov>
Cc: Lucero, Adele <Lucero.Adele@epa.gov>
Subject: FW: Wyoming Mining Association Meeting Invitation - EPA Regional Administrator, Doug Benevento
Importance: High

Wendy: per Adele's confirmation immediately below, please coordinate drafting some bullets on these three items (see below in yellow) with Craig and Valois as needed. Sarah and I would like to see a draft before it goes to Darcy.

Valois: would you be available to attend the 2/13 pre-brief if Craig is not back from his outpatient surgery on Monday, 2/12?

Sarah: do we have any feedback on how Doug wants information organized for this meeting or do we have a simple format that he prefers? Also, other than a very brief update for Doug on DB, do you think **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)?

Thanks,

Douglas

Sarah/Doug- RA Briefing on 2/13/18 see below...Darcy would like a briefing document on Wed. 2/7/18 to make the noon deadline on Thursday...Thanks Adele

From: Minter, Douglas
Sent: Wednesday, January 24, 2018 10:47 AM
To: O'Connor, Darcy <oconnor.darcy@epa.gov>; Bahrman, Sarah <Bahrman.Sarah@epa.gov>

Cc: Garcia, Bert <Garcia.Bert@epa.gov>; Cheung, Wendy <Cheung.Wendy@epa.gov>; Boomgaard, Craig <Boomgaard.Craig@epa.gov>; Shea, Valois <Shea.Valois@epa.gov>

Subject: RE: Wyoming Mining Association Meeting Invitation - EPA Regional Administrator, Doug Benevento

Thanks Darcy: I would not expect DB to come up either, but Valois or I can certainly add a brief update on DB to the background information Doug already has.

I will have Wendy take the lead on the two main UIC topics with support from Craig on Part 192 (and possibly Molly/OGWDW and Ingrid/OAR). He can likely be available on 2/13/18 for the pre-brief since Wendy and I will be in Tulsa for GWPC.

The Committee's apparent concern/desire to return to political/legal boundaries for uranium ISR AE delineations is a surprise to me. Particularly because one of the ISR operators who met with DEQ and EPA senior leadership several years ago in Denver convinced both agencies that their scientifically-based delineation method using some relatively straightforward calculations was a much better policy approach. This approach was developed in response to EPA's concerns that AE delineations based on political/legal boundaries really had no good scientific basis. To my knowledge, this current approach is what at least some operators are still using in their AE requests to the DEQ.

Douglas

From: O'Connor, Darcy

Sent: Wednesday, January 24, 2018 10:01 AM

To: Bahrman, Sarah <Bahrman.Sarah@epa.gov>; Minter, Douglas <Minter.Douglas@epa.gov>

Cc: Garcia, Bert <Garcia.Bert@epa.gov>

Subject: FW: Wyoming Mining Association Meeting Invitation - EPA Regional Administrator, Doug Benevento

Please see below. I suggest working on background information and proposed talking points on 192 and AEs, and also updates on the status of Dewey, in case it is raised by the commission, not to bring up directly. I'll let you know as soon as I hear from Diane if we are moving forward with a briefing and deadlines for any papers. My expectation is that Diane will request papers by February 8th.

Let me know if you have questions.

Thanks!

D

From: O'Connor, Darcy

Sent: Wednesday, January 24, 2018 9:55 AM

To: Moon, Diane <Moon.Diane@epa.gov>

Cc: Lucero, Adele <Lucero.Adele@epa.gov>; Mutter, Andrew <mutter.andrew@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Hestmark, Martin <Hestmark.Martin@epa.gov>; Smidinger, Betsy <Smidinger.Betsy@epa.gov>

Subject: RE: Wyoming Mining Association Meeting Invitation - EPA Regional Administrator, Doug Benevento

Thanks Diane – several topics here involving air, water, NEPA and superfund. Personally I think it would make sense to provide Doug some background information in these areas and then schedule the prebrief for the 13th to answer any questions he may have. I'm copying Martin and Betsy for their input as well.

Thanks

D

From: Moon, Diane

Sent: Wednesday, January 24, 2018 9:14 AM

To: O'Connor, Darcy <oconnor.darcy@epa.gov>

Cc: Lucero, Adele <Lucero.Adele@epa.gov>; Mutter, Andrew <mutter.andrew@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>

Subject: FW: Wyoming Mining Association Meeting Invitation - EPA Regional Administrator, Doug Benevento

Darcy,

You responded back on Dec. 6, to the notice that Doug was going to speak at the subject event, in Cheyenne, February 14 and 15. They just sent me the details (below) of what they would like Doug to talk about. There are three sessions.

Let me know if you think I need to set up a pre-brief. (poss. for Feb. 13.)

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From: Travis Deti [<mailto:treti@wyomingminning.org>]

Sent: Wednesday, January 24, 2018 8:55 AM

To: Moon, Diane <Moon.Diane@epa.gov>

Subject: RE: Wyoming Mining Association Meeting Invitation - EPA Regional Administrator, Doug Benevento

Good morning, Diane...

For Mr. Benevento's information, below please find lists of topics as provided by my members for his discussions with the WMA Regulatory Affairs Committee (Wednesday, February 14 @ 9:00am) and WMA Uranium Industry Committee (Wednesday, February 14 @ 1:30pm).

WMA Regulatory Affairs – We have him slotted on the agenda for 10:30.

1. In 2016 EPA revised the rules governing exceptional events and how the operator of a monitor can demonstrate that an exceedance was the result of an exceptional event. The rule revisions were intended to clarify and simplify the process. It appears that EPA will continue to not participate in the process except when certain regulatory decisions are imminent. Yet, in order to be prepared for that eventuality, operators and the state are required to invest significant dollars and time preparing demonstration packages that will sit on shelves at EPA. Review and approval of these packages is critical for industry even if there is no pending regulatory decision, as the data associated with these exceedances remains in AQS and is available for public disclosure. EPA has thus far taken no ownership of the program, has required additional timely notification procedures when exceedances occur, yet did not hold themselves accountable in the rule with deadlines for their responses, actions or decisions. *What is the position of Region 8 on this and what is Region 8 willing to do or capable of doing to make this process less burdensome and to introduce federal action or certainty?*

2. In 2016, EPA revised the Part 58 monitoring rule to require further certification that data collected from air samplers is valid. The quality assurance requirements are now extreme for sampler operators including Wyoming and industrial permit holders in Wyoming in the new Primary Quality Assurance Organization program. It is not clear why the rule was promulgated. No one has shown that the data are not already world class and valid. The applicability of this rule seems to have surprised nearly everyone in Wyoming, a state where a large number of industrial monitors are operated and must come in to compliance with the rule – unlike any other state. In fact it was rumored that Region 8 was also surprised to learn that a large number of industrial monitors in Wyoming would be covered by this rule. In the early stages of implementation, EPA Region 8 has been slow to provide guidance. EPA also appears to be taking this

opportunity to remove authorities previously exercised by the Wyoming Air Quality Division, and place them with EPA, such as approval authorities for the monitoring project plans that have historically been under the purview of the State agency. *What can EPA Region 8 do to return authorities to the State, and reduce the burdens of this program for which a need has never been demonstrated?*

3. EPA and the ACOE have indicated a desire to re-craft the Waters of the US rule which was proposed under the previous federal administration. This could have a beneficial effect on the Wyoming mining industry. *Can you spend a few minutes helping us understand some of the positions the EPA is proposing to change and the timing for this action.*

4. For decades federal agencies such as the Forest Service and the Bureau of Land Management have increased the agency standards for implementing the provisions of the National Environmental Policy Act. Where it originally started as a process to inform the federal decision-making process of environmental impacts from proposed project. Each agency has taken liberties to require more and more data collection and broaden the scope of the review, increasing time frames and costs associated with implementation of the process. Recently, several of these agencies have solicited comment on ways to streamline their respective NEPA processes. *Does Region 8 get involved in the required EPA NEPA reviews, and can Region 8 influence these efforts to streamline the process?*

WMA Uranium Industry Committee – We have him at the top of the agenda following our anti-trust briefing and safety share, close to 1:30.

- Withdrawal of the 40 CFR Part 192 rulemaking
- Revision of 40 CFR Part 61 Subpart W to remove any regulation of in-situ uranium recovery operations and heap leaching, essentially converting it back to the original December 15, 1989 rule.
- Aquifer exemptions, specifically acceptance of the previously proposed use of Public Land Survey System (PLSS) boundaries (the nearest quarter/quarter corner) to define aquifer exemption boundaries.
- Revision to the Memorandum of Understanding (MOU) on the listing of Agreement State 11e.(2) sites on the National Priorities List (NPL/Superfund)

As discussed below for his address to the WMA Board of Directors on Thursday, February 15 at 9:00am, have blocked approximately 30 minutes (or more if necessary) at the beginning of the meeting for general discussion of the direction of the agency and what industry could expect in the short term. That time is his for whatever he would like to convey.

Thank you for your help on this, and please don't hesitate to contact me with further questions or concerns.

Cheers,
Travis D.

Travis Deti
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From: Moon, Diane [<mailto:Moon.Diane@epa.gov>]

Sent: Thursday, January 4, 2018 10:15 AM

To: Travis Deti <tdeti@wyomingminning.org>

Subject: RE: Wyoming Mining Association Meeting Invitation - EPA Regional Administrator, Doug Benevento

Good morning Travis,

Can you give me an approximate time that Doug's participation would conclude for the Board Meeting the morning of February 15? He now has to drive to another event that afternoon in Wyoming.

I will also watch for the list of session topics from you as mentioned below.

Thank you!

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From: Moon, Diane
Sent: Wednesday, December 20, 2017 7:17 AM
To: 'Travis Deti' <tdeti@wyomingminning.org>
Subject: RE: Wyoming Mining Association Meeting Invitation

Good morning Travis.

I'm following up on your message below.

I spoke to Doug and he would like to stay for all three sessions. He will most likely drive up early the morning of February 14, and return to Denver after the session on February 15. (Weather permitting, of course.)

Please send the list of topics for the described sessions to me by February 2, 2018.

Thank you.

Diane Rene Moon
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From: Travis Deti [<mailto:tdeti@wyomingminning.org>]
Sent: Monday, December 11, 2017 2:30 PM
To: Moon, Diane <Moon.Diane@epa.gov>
Subject: RE: Wyoming Mining Association Meeting Invitation

Good afternoon, Ms. Moon.

Thanks for the follow up.

We would invite Mr. Benevento to address all three of the following:

1. The WMA Regulatory Affairs Committee meeting on Wednesday, February 14, 2018 at 9:00am – 12pm at the Little America Hotel and Convention Center in Cheyenne, Wyoming. The committee is comprised of employees of our

member and associate companies tasked with day to day regulatory work. Approximately 30 people, boardroom style. We would block approximately one hour for discussion/ question and answer. A list of topics would be provided.

2. The WMA Uranium Industry Committee meeting on Wednesday, February 14, 2018 at 1:30pm – 3:30 at the Little America Hotel and Convention Center in Cheyenne, Wyoming. This committee is made up of regional leaders and mine managers of WMA's uranium member companies. The committee meets quarterly to discuss industry issues. Approximately 30 people, boardroom style. We would block approximately one hour for discussion/ question and answer. A list of topics would be provided.

3. The WMA Board of Directors will hold its quarterly meeting on Thursday, February 15, 2018 at 9:00am at the Little America Hotel and Convention Center in Cheyenne, Wyoming. WMA's board is made up of mine managers and leadership representing our member companies from each mining sector, as well as the president of our associate member organization. Approximately 20 people, boardroom style. We would block approximately 30 minutes (or more if necessary) at the beginning of the meeting for general discussion of the direction of the agency and what industry could expect in the short term.

I hope that is helpful, and please let me know if you need more information.

Best regards,
Travis D.

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From: Moon, Diane [<mailto:Moon.Diane@epa.gov>]
Sent: Wednesday, December 6, 2017 2:40 PM
To: tdeti@wyomingminning.org
Subject: FW: Wyoming Mining Association Meeting Invitation

Mr. Deti,

Mr. Benevento is out of the office but asked that I respond to you on his behalf.

He would like to accept your invitation to address the Wyoming Mining Association in February 2018. I will be out of the office until next Tuesday, December 12 but would you please send me the following information:

Which event(s) would you like him to speak during?

If more than one event, how long does each session last for speaking and for questions?

How many people are usually attending this event?

Also, we will need to check with our ethics office for his attendance to the reception the evening of February 14.

I will get back with you after we have a chance to review your responses.

Thank you,

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From: Travis Deti [<mailto:tdeti@wyomingminning.org>]
Sent: Wednesday, November 29, 2017 10:54 AM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: Wyoming Mining Association Meeting Invitation

Good morning, Doug...

Attached please find a formal invitation to address the Wyoming Mining Association in February of 2018. We hope your schedule will allow for you to join us.

Thank you for your consideration, and I hope this finds you well.

Best regards,
Travis Deti

Travis Deti
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